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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,493	10/02/2000	Guang Yang		3562

7590 12/15/2006
George Guang Yang
392 Hans Way
San Jose, CA 95133

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,943

Applicant(s)

BARNES-LEON ET AL.

Examiner

Jean M. Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on September 8, 2006, in which claims 2-45 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 2-45 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Drawings

3. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in **ABANDONMENT** of the application.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 2-45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to an abstract idea.

Claims 2 and 24 in view of **MPEP section 2106 IV.B.2. (b)** appears to be directed to a manipulation of an abstract idea with no practical application in the technology arts. The claims only recite a process of converting enterprise information into an intermediate form in turn converting the intermediate form into a target form; and converting enterprise information from a different source into intermediate form in turn converting the intermediate form into a target

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form. Therefore, claims 1 and 24 are directed to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. The dependent claims 3-23 and 25-45 are rejected for fully incorporating the errors of their respective base claims by dependency.

Claim Rejections - 35 USC § 112.

6. Claims 25-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 25 recites “a data structure for managing enterprise data, the data structure comprising common data type elements include one or more elements”. It is unclear as to what the applicants try to accomplish. Managing enterprise data using data structure is not enable one having ordinary skilled in the art to make and use the claimed invention. The specification does not provide a clear description how to enable one skilled in art to make the claimed invention (see *In re Wand*, 858 F.2d 731, 737, 8 USPQ2d, 1400, 1404 (Fed. Cir 1998); MPEP 2164.01(a) and 2164.04). Applicants are advised to amend the claims to enable one having ordinary skill in the art to understand the claimed invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 and 24 recite "to be shared". Such language of the claimed does not show as to whether the intermediate form includes a plurality of common data type element shares across a plurality of data object in the intermediate form. It appears that such language of the claimed has the intent to share intermediate form across a plurality of data object. However, there is not intermediate form is hared across a plurality of data object. There is no relation between elements in the claims. Applicant is advised to amend the claims to solve the abovementioned deficiency in the claimed.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1-45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of the U.S. co-pending application serial number 10/809,191. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-45 of the instant application substantially recite the limitations of claims 1-21 of the cited co-pending application. Therefore, it would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated claims 1-45 of the instant application by substitute the step of extracting enterprise information in a third form associating with a second source computerized system that is distinct from the first source computerized, since the omission and addition of the cited limitations would have not changed the process according to which the method and system for managing enterprise data. Therefore, the use of allowing extracting enterprise information in a third form would be an obvious variation in the art of managing enterprise data for the purpose of achieving the same end results and would not interfere with the functionality of the steps previously claimed and would perform the same function.

11. Claims 1-45 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of the U.S. co-

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pending application serial number 10/809,927. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-45 of the instant application substantially recite the limitations of claims 1-33 of the cited co-pending application. Therefore, it would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated claims 1-45 of the instant application by substitute the step of extracting enterprise information in a third form associating with a second source computerized system that is distinct from the first source computerized, since the omission and addition of the cited limitations would have not changed the process according to which the method and system for managing enterprise data. Therefore, the use of allowing extracting enterprise information in a third form would be an obvious variation in the art of managing enterprise data for the purpose of achieving the same end results and would not interfere with the functionality of the steps previously claimed and would perform the same function.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouziane et al., (hereinafter "Bouziane") US Patent no. 5,727,158 and Inohara et al., (hereinafter "Inohara") US Patent No. 6,377,952.

As to claim 2 and 24, Bouziane is directed to information repositories for storing and facilitating the retrieval of large amount of data for access by a variety of computing tools in an enterprise-computing environment. In particular, Bouziane discloses "extracting enterprise information associated with a first source computerized system" (col.1, lines 48-52; col.2, lines 7-10); "converting the enterprise information in an intermediate form" (col.11, lines 11-14). However, Bouziane does not explicitly disclose the enterprise information in the intermediate form into a target form. Inohara discloses an analogous system for translating enterprise information in the intermediate form into a target form (col.4, lines 60-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the enterprise computing system as disclosed by Bouziane would incorporate the use of converting enterprise information in the intermediate form into a target form, in the same conventional manner as disclosed by Inahara. One having ordinary skill in the art would have found it motivated to use such a combination for the purpose of performing only the essential works of a various format conversions without involving the user in the format conversion.

As to claim 24:

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14. Claim 24 is computer programs for performing the method of claims 2. It is, therefore, rejected under the same rationale

Claims 3-23 and 25-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouziane et al., (hereinafter "Bouziane") US Patent no. 5,727,158 and Inohara et al., (hereinafter "Inohara") US Patent No. 6,377,952 and further in view of Guyan et al., (hereinafter "Guyan") US patent no. 7,124,112

As to claim 3, Bouziane and Inohara substantially disclose the invention as claimed. Neither Bouziane nor Inohara discloses a payment card type element. On the other hand, Guyan discloses the claimed "payment card type element" (see col.11, lines 24-31, type of payment). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made combine the teachings of the cited references, wherein the enterprise computing system as disclosed by Bouziane would incorporate the use of a payment card type element, in the same conventional manner as disclosed by Guyan see col.11, lines 24-31. One having ordinary skill in the art would have found it motivated to use such a combination in order to maintain a good relationship between the claimants and the enterprise computerized system.

As to claim 4 Bouziane discloses the claimed "an application instance name element" (col.1, lines 48-52, information exchange which translate data between models formats of various programs).

As to claims 5 and 7, Guyan discloses the claimed "an error type element" (col.1, lines 59-61, claim processing arenas).

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As to claims 6, 8 and 17, Guyan discloses the claimed “message text element” (col.11, lines 65-67; col.14, lines 27-41, displays claimant level information)

As to claims 9-12, Guyan discloses the claimed “cross reference ID’ (col.10, lines 63-65, cross reference ID sub-element).

As to claims 13-14, Guyan discloses the claimed “a message code sub-element” (col.9, lines ICD-9 code indicating the treatment and other medical details).

As to claims 15-16, Guyan discloses the claimed “value cross reference elements” (col.10, lines 36-65, cross reference type and level data with the vendor database and queries for a listing authorized vendors).

As to claim 18, Guyan discloses the claimed “activity duration (end date) element” col.12, lines 15-20, maximum days allowed after the claims is closed).

As to claim 19, Guyan discloses the claimed “address line elements” col.12, lines 59-61, address line).

As to claims 20-22, Guyan discloses the claimed “a Id element, email element” (col.12, lines 59-61, email element).

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As to claim 23, Guyan discloses the claimed "payment card type element" (col.11, lines 20-30, payment process).

As to claims 25-45:

Claims 25-45 are computer programs for performing the method of claims 3-23. They are, therefore, rejected under the same rationale.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M Corrielus whose telephone number is (571) 272-4032.

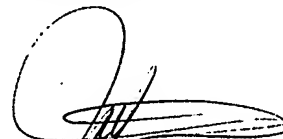
The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Corrielus', with a large, stylized loop at the end.

Jean M. Corrielus
Primary Examiner
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December 11, 2006